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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,684	04/27/2001	Paul Scheier	PLAN-0003	9044

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT PAPER NUMBER

3629

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,684

Applicant(s)

SCHEIER ET AL.

Examiner

Jonathan Ouellette

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 12-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**
3. Claim 12 recites the limitation "the system of claim 12". There is insufficient antecedent basis for this limitation in the claim.
4. Claim 13 recites the limitation "the system of claim 13". There is insufficient antecedent basis for this limitation in the claim.
5. Claim 14 recites the limitation "the system of claim 14". There is insufficient antecedent basis for this limitation in the claim.
6. Claim 15 recites the limitation "the system of claim 15". There is insufficient antecedent basis for this limitation in the claim.
7. Claim 16 recites the limitation "the system of claim 16". There is insufficient antecedent basis for this limitation in the claim.
8. Claim 17 recites the limitation "the system of claim 17". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by D'Arlach et al. (US 6,026,433).**

11. As per **independent Claim 1**, D'Arlach discloses a Web-based Electronic Commerce system comprising: a platform between corporate systems and e-commerce channels with common presentation and navigation, environment management, common standards, error management, auditing, and enhanced security features (C4-C7, Fig.5); at least one default Site is be loaded into the system, wherein multiple sites is be added as needed (i.e., Intranet, Extranet, and various Internet sites) through the Multiple Sites sub-menu option; wherein the properties of the default Site is be modified to reflect the preferred Site Name, Site URL, and the like wherein each Site's colors, frame-set style, fonts, name and description is be configured using the Site Style Wizard (C4-C7, Fig.5-12); wherein the Site Style Wizard icon is be located on the Results Tab of the Manage Sites sub menu option (C7 L55-67, page creation and maintenance features accessed through menu bar).
12. As per dependent Claims 2-17, D'Arlach discloses a Web-based Electronic Commerce system (C4-C7, Fig.5-12). As for the limitations of the functions of the system/apparatus or what the system/apparatus does, i.e. "wherein the data repository is accessible by the

customer in order to determine a delivery status of the package, wherein the mobile communication unit automatically transmits the radiation signal to the gateway”, these carry no patentable weight in an apparatus claim. Apparatus claims should cover what a device is or structures or structural elements, not what a device does. See *Hewlett-Packard Co. vs. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990).

13. As per **independent Claim 18**, D’Arlach discloses a system for e-commerce, employing a Windows Management Interface (WMI) for starting and stopping of NT Services, Coloraborative Data Objects (CDO), SMTP Service for sending of email, CRYPTO API for encryption of data using standard algorithms, ActiveX Data Objects (ADO) for database access, wherein the system is configured in a three tier environment including: a Presentation Tier for formatting HTML to be displayed in a browser; a Business Tier for performing any business logic and connecting to databases and legacy systems; and a Data Tier for performing data storage, queries and manipulation (C4-C7, Fig.5-12, equivalent system technology/functionality).
14. As per dependent Claims 19-23, D’Arlach discloses a Web-based Electronic Commerce system (C4-C7, Fig.5-12). As for the limitations of the functions of the system/apparatus or what the system/apparatus does, i.e. “wherein the data repository is accessible by the customer in order to determine a delivery status of the package, wherein the mobile communication unit automatically transmits the radiation signal to the gateway”, these carry no patentable weight in an apparatus claim. Apparatus claims should cover what a device is or structures or structural elements, not what a device does. See *Hewlett-*

Packard Co. vs. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528
(Fed. Cir. 1990).

15. As per **independent Claim 24**, D'Arach discloses a method of managing a system site for e-commerce which allows for multiple sites or user interfaces to information, each of the sites configured to have their own functionality, pages, users, groups, reports, menus, logos, colors, fonts, and style, each of the sites administrated from a single site or from each site individually (C4-C7, Fig.5), said method comprising the steps of configuring, by an administrators, groups of users, managing, by the groups of users, individual pieces of each site including one or more of user accounts, manages permissions, manages site logos, colors and menus, manages the audit logs and security settings, wherein all sites are run from the same system database which is be used to brand identical sites with different colors and logos for different groups of users and customers (C4-C7, Figs.5-12).
16. As per Claim 25, D'Arach discloses wherein all sites run off of the same ASP pages and IP address assigned in IIS such that a single set of ASP pages and components may be managed to manage a plurality of different sites.
17. As per Claim 26, D'Arach discloses wherein multiple function sites are configured and managed using the system multi-site architecture.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. The following foreign patent is cited to show the best foreign prior art found by the examiner:

PCT No. WO 200057314 A2 to Chambers et al.

Chambers discloses a program that has a database including predefined templates for each type of element to be added to web pages of the web site by the user.

The templates have content areas to contain each type of element. The template is modifiable by the user using an editing system and is stored in modified form by the user for public access over the Internet.

20. The following non-patent literature is cited to show the best non-patent literature prior art found by the examiner:

Robinson, John, "Server refines Web site management," Network World, v13n25, PP: 43, June 17, 1996.

Robinson discloses a website development system/software used for developing and managing websites.

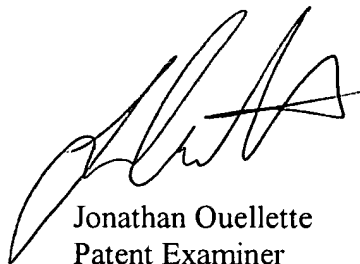
21. Additional Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

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14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

September 7, 2005

A handwritten signature in black ink, appearing to read 'Jonathan Ouellette', is written over the printed name and title.

Jonathan Ouellette
Patent Examiner
Technology Center 3600